



# California Regional Water Quality Control Board

## Santa Ana Region



**Winston H. Hickox**  
Secretary for  
Environmental  
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb8>  
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**Gray Davis**  
Governor

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website at [www.swrcb.ca.gov/rwqcb8](http://www.swrcb.ca.gov/rwqcb8).*

September 25, 2002

Mr. Tad Trout, President  
American Promotional Events – West, Inc.  
55 North Gilbert Street  
Fullerton, CA 92833

### **DIRECTIVE TO SUBMIT A WORK PLAN AND CONDUCT A PERCHLORATE INVESTIGATION IN THE VICINITY OF 3196 NORTH LOCUST AVENUE, CITY OF RIALTO, SAN BERNARDINO COUNTY, CALIFORNIA**

Dear Mr. Trout:

As you are aware, perchlorate has been detected in municipal water supply wells in the Rialto and Colton Groundwater Subbasins. These water supply wells are located downgradient of the American Promotional Events – West, Inc. (APE – West) facility. Information that you provided to us in response to a subpoena indicates that APE – West and several other pyrotechnic companies have used and stored products containing perchlorate salts at the Rialto facilities that are currently occupied by APE – West. This letter sets forth a requirement under California Water Code Section 13267 that you conduct an investigation to define the lateral and vertical extent of perchlorate in soil and groundwater in the vicinity of 3196 North Locust Avenue, Rialto. As required by that provision, this letter contains an explanation of the need for the investigation, and cites evidence supporting the requirement.

#### Background

Perchlorate contamination was first detected in groundwater in the Rialto and Colton Subbasins in 1997. At that time, the California Department of Health Services (DHS) Action Level (AL) for perchlorate in drinking water was 18 parts per billion (ppb). Two wells had perchlorate levels exceeding 18 ppb and were shut down. In January 2002, the DHS lowered the AL to 4 ppb. In response to the reduced AL for perchlorate, the local water purveyors in the Rialto and Colton Groundwater Subbasins restricted or eliminated the use of additional production wells with perchlorate concentrations that exceeded 4 ppb. Between 1997 and the present, various suspected perchlorate dischargers, including APE – West, have been identified.

#### Requirement for an Investigation

The Regional Board has directed staff to issue individual letters under California Water Code Section 13267 to suspected perchlorate dischargers in the Rialto and Colton Groundwater Subbasins. The Board also expressed a strong desire that suspected perchlorate dischargers work with the local water purveyors to provide a supply of replacement water during the loss or limited use of their production wells.

***California Environmental Protection Agency***



### The Need for the Investigation

The Santa Ana Regional Water Quality Control Board is charged with the protection of water quality in this Region. We have been working actively with the water purveyors for several years to identify the extent and address the impact of perchlorate contamination on water resources in the Colton and Rialto Groundwater Subbasins. The water purveyors whose wells have been contaminated with perchlorate now face a state of emergency, and may not be able to provide an adequate water supply to their customers. It is urgent that the sources of the contamination be identified, and the magnitude of the perchlorate plume defined.

### Evidence Supporting the Need for the Investigation

Enclosed as attachments are the following documents:

1. Attachment 1 – Well Location Map, showing perchlorate contamination in municipal water supply wells.
2. Attachment 2 – Description of APE – West Corporate History (correspondence dated September 20, 2002 from Downey, Brand, Seymour & Rohwer).
3. Attachment 3 – Plot Plan dated May 2001, showing existing waste disposal pit (document no. APE 00224, obtained from APE – West in response to subpoena).

The evidence demonstrates that from 1989 to the present, APE – West has handled and stored fireworks, containing perchlorate salts, at the Rialto site. As you stated during our meeting of September 23, 2002, APE – West currently disposes of certain wastes at an on-site location. An unlined waste disposal pit is shown on the site plot plan dated May 2001 (see Attachment 3). In addition, City of Rialto records indicate that on-site disposal systems have been used at the site since it was first occupied for industrial use. Disposal of waste in unlined pits and septic systems may also have occurred during site occupancy by corporate predecessors related to APE – West. Groundwater data indicates that perchlorate concentrations exceed the AL in municipal water supply wells that are located downgradient of the APE – West facility. Based on the evidence, APE – West is suspected of having discharged perchlorate waste that has adversely affected water quality. This evidence supports the requirement for an investigation, as defined in Section 13267(b)(1) of the California Water Code.

### Deadlines

1. A work plan for a soil and groundwater investigation for perchlorate in the vicinity of the APE – West facility on Locust Avenue must be submitted to Board staff no later than October 25, 2002. The work plan will be subject to my approval.
2. The investigation must commence within 30 days of approval.
3. All analytical results, groundwater measurements, and field information are to be submitted by fax to Board staff within 24 hours of being generated, throughout all stages of work, and during all phases of the investigation. The office fax number to be used for your data transmittals is (909) 781-6288.
4. The final report for the soil and groundwater investigation, including (at a minimum) the borehole logs, well construction details, groundwater elevation data, and soil and groundwater analytical results, must be submitted to Board staff within 30 days of completing the field work.



**Failure to submit the required information by the specified deadline may subject you to administrative civil liability in the amount of up to \$1,000 per day, pursuant to Section 13268(a) and (b) of the California Water Code.**

Finally, we remind you that the Board has directed staff to explore alternative ways of solving the water supply problem in the Rialto and Colton Groundwater Subbasins. In addition, consistent with the Board's direction, we will be issuing similar directives to a number of other suspected dischargers who have operated in the North Rialto area. Thus, there may be opportunities to cooperate with other entities to implement joint investigations or to propose solutions that would address the water supply problem. In fact, we believe it would be both scientifically effective and economically efficient for the suspected dischargers subject to these directives to jointly pursue the investigation and to explore water supply replacement options. Further, consistent with the Board's direction, we recommend that the joint efforts of the suspected dischargers consider both the characterization of the plume and initiation of water supply replacement or treatment strategies. Board staff has experience in managing similar joint investigations and cooperative solutions and we are available to discuss these further with you. If you are interested in discussing alternative options for complying with this directive, please contact us to arrange a meeting.

If you have any questions about this letter, or if you would like to arrange a meeting, please contact Kamron Saremi at (909) 782-4303, or you may call Ann Sturdivant, Chief of our Spills, Leaks, Investigations and Cleanups Section, at (909) 782-4904.

Sincerely,

Gerard J. Thibeault  
Executive Officer

Attachments:

- 1 – Well Location Map, showing perchlorate contamination in municipal water supply wells.
- 2 – Description of APE – West Corporate History (correspondence dated September 20, 2002 from Downey, Brand, Seymour & Rohwer).
- 3 – Plot Plan dated May 2001, showing existing waste disposal pit (document no. APE 00224, obtained from APE – West in response to subpoena).
- 4 – Mailing List.

cc w/out attachments:

Regional Board  
Jorge Leon, Office of Chief Counsel, SWRCB  
Inland Empire Perchlorate Regulatory Task Force (see mailing list)  
Katharine E. Wagner, Downey Brand Seymour & Rohwer, LLP

AES/Data/SLIC/Rialto perchlorate 01-02/13267/APE - west

